THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.12499 of 1996

Dated:28th day of November,2006

Between:
K.Veeraiah and another Petitioners

And

The Joint Collector, Khammam at Khammam and others
Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.12499 of 1996

ORDER:

1. This writ petition has been filed questioning the orders passed by the Joint Collector, Khammam on 10-06-1996 whereby he has reopened the case decided by the Revenue Divisional Officer, Khammam on 11-1-1996. The view of the Joint Collector is that the Revenue Divisional Officer has not examined the very eligibility of the writ petitioners to seek assignment of land, as according to the Joint Collector, they cannot be described as landless poor persons. But however, in paragraph 6 of the counter affidavit filed on behalf of the respondents it has been asserted that a copy of the orders intended to be supplied to the petitioners was sent by registered post with acknowledgement due to their counsel Sri G.Madhava Rao, Khammam and the postal authorities had returned the undelivered cover with an endorsement that the said Advocate Sri G.Madhava Rao was continuously absent from 15-06-1996 to 26-6-1996 . Unfortunately copy of the order

passed by the Joint Collector on 10-06-1996 has not been annexed to the counter affidavit either. But however, this court on 11-6-1996 directed the possession of the writ petitioners be preserved in a connected writ petition bearing W.P.No.10826 of 1996, which was disposed of on 29-03-2006. The learned Government Pleader for Revenue has since furnished the writ petitioners a Xerox copy of the orders dated 10-06-1996 of the Joint Collector today. Hence, the writ petitioners are granted time till 31st December,2006 to pursue the alternative remedy available to them by way of revision before the State Government under Section 12 (A) of the A.P. Land Encroachment Act. Status-quo of the possession of the land in question in favour of the writ petitioners be maintained till 31-12-2006. The revision may be entertained without insisting upon the production of the certified copy of the orders dated 10-06-1996 of the Joint Collector, Khammam.

2. In the above terms, the writ petition stands disposed of.

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NOOTY RAMAMOHANA RAO,J

Note:
Registry to furnish copy by tomorrow
B/o.
Stp

28-11-2006